

**NOTICE OF DECISION
RELATIVE TO OBJECTIONS TO THE NOMINATION OF
DAWN MACKLIN AS A CANDIDATE FOR WARD 4 SCHOOL COMMITTEE**

PROCEDURAL:

1. On August 16, 2025 a duly posted meeting of the Board of Registrars of Voters was convened for the purpose of considering objections to the nomination of Dawn Macklin as candidate for Ward 4 School Committee Member;
2. Jeffrey Allen Donahue, the complainant, was present and represented himself. The complainant is a registered voter at 56 Tremont Street, Malden;
3. Dawn Macklin, the respondent, was present and represented herself;
4. Under the provisions of City Charter, a candidate for ward based elective office qualifies to have their name printed on the ballot by obtaining the signatures of 50 registered voters on nomination papers provided for that purpose;
5. Nomination papers are in the form specified by Massachusetts General Laws Chapter 43 Section 44C;
6. Massachusetts General Laws Chapter 53 Section 8 prohibits the circulation of nomination papers without the following information: the candidate's name, the candidates residence, with street and number, the office, and district name or number, for which he or she is nominated and, if the election is partisan, the party which he or she represents;
7. On May 6, 2025 Dawn Macklin visited the City Clerk's Office to notify staff of a change of address she completed via the Secretary of State's website. Ms. Macklin changed her voting address from 190 Pleasant Street, Apt. 205 to 20 Summer Street, Apt. 502. On that date, she obtained nomination papers for Ward 2 School Committee;
8. On July 10, 2025 Ms. Macklin informed the City Clerk's Office via email that she was suspending her campaign for Ward 2 School Committee;
9. On July 24, 2025 Ms. Macklin informed the City Clerk's Office via email she had moved from 20 Summer Street, Apt. 502 to 480 Main Street, Apt. 429. At that time she gave written email instruction that her husband would be coming to City Hall to deliver a change of address voter registration form and asked election staff to issue nomination papers for Ward 4 School Committee;
10. Ms. Macklin followed up the email of July 24th on the same date with a telephone call to the City Clerk's Office to confirm receipt of email. Receipt of email was confirmed by office staff and City Clerk Desiderio approved distribution of nomination packet to be released to Wallace Macklin;
11. At 4:17 PM on July 24, 2025 Wallace Macklin visited the City Clerk's Office with Ms. Macklin's change of address voter registration form. Election staff updated the address in the State's Voter Registration Information System database (VRIS) and distributed a candidate nomination packet to Mr. Macklin on behalf of Dawn Macklin;
12. On July 28, 2025 Dawn Macklin submitted to the Registrar of Voters eight nomination papers containing a total of 78 signatures. Election staff certified 74 names as those of registered voters. These 74 signatures satisfied the requirement for Ms. Macklin to secure a place as a candidate for re-election on the ballot;
13. On Monday, August 11, 2025 Clerk Desiderio spoke to Ms. Macklin about questions the Clerk's Office had been receiving from voters regarding the candidate's twice moving in the middle of a campaign season.

14. That same day, Ms. Macklin hand delivered to the Clerk's Office a lease to prove residency at the 480 Main Street apartment with the understanding she did not want her private information made public. Ms. Macklin gave permission only to the City Clerk and Solicitor to view the document. In the presence of, and with Ms. Macklin's permission, Clerk Desiderio made a copy of the lease and used a black Sharpie to redact the private information according to Ms. Macklin's instructions.
15. The deadline for filing objections, established in accordance with state statute, was 5:00 p.m. on August 13, 2025;
16. At 9:13 a.m. on Tuesday, August 12, 2025, Jeffrey Allen Donahue, complainant, of 56 Tremont Street, filed an objection to the nomination of Dawn Macklin. The complainant's objection was received and timestamped within the time required by law;
17. According to the records held in the City Clerk's Office, Jeffrey Allen Donahue is a registered voter at 56 Tremont Street and a resident of Ward 4, Precinct 3 within the City of Malden;
18. Massachusetts General Laws Chapter 55B Section 7 authorizes the Board of Registrars of Voters and the City Solicitor to hear and decide objections to nomination papers;
19. Under Massachusetts General Laws Chapter 55B Section 7, the Board of Registrars and City Solicitor are empowered to make a determination on the validity of the objection and take one of the following actions:
 1. Dismiss the objection for failure to state a claim or,
 2. Uphold the objection based on evidence presented and void certification of nomination;
20. Anyone wishing to appeal the determination of this proceeding may do so under the authority of Superior Court.

STATEMENT OF OBJECTIONS:

The complainant alleged that the respondent failed to meet the requirements for nomination on three grounds as follows:

1. That proper procedures for obtaining nomination papers were not followed when Wallace Macklin was allowed to pick up the respondent's packet;
2. That the respondent doesn't reside in Ward 4 of the City of Malden;
3. That the respondent doesn't reside in the City of Malden but rather in the municipality of South Yarmouth, Massachusetts.

THE HEARING:

During this administrative hearing, the Board consisted of David D'Arcangelo, Carol Ann Desiderio, Alicia McNeil, Kathleen Young, and Jean Voltaire. The complainant, Jeffrey Donahue, the respondent, Dawn Macklin, were both in attendance; neither party had legal representation with them during the hearing. Both parties, as well as Elections Administrator Dinah Fajardo, were sworn in under oath for the testimony they were about to give. No other witnesses were called upon to offer testimony.

Ms. Fajardo testified that she knows Jeffrey Donahue to be a resident of Ward 4 Malden because she viewed his MA issued driver's license when he pulled nomination forms for School Committee and cross referenced this information against the State's Voter Registration Information System database (VRIS).

**On a motion by D'Arcangelo, seconded by Young, that Jeffrey Allen Donahue is a registered voter entitled to vote for School Committee, Ward 4, in the City of Malden. Motion carried by the following 5-0 vote:
Yes: D'Arcangelo, Desiderio, McNeil, Young, Voltaire
No: none**

Clerk Desiderio read the complainant's objection in its entirety into the record as well a history of the background details relevant to this case. Time stamped copies of the objection and a meeting notice of this proceeding was sent to both parties via email, certified USPS, and by hand with affidavit of delivery signed by Compliance Officer James Tuxbury.

**On a motion by D'Arcangelo, seconded by Voltaire, that the objection of Mr. Donahue was filed within the time required by law. Motion carried by the following 5-0 vote:
Yes: D'Arcangelo, Desiderio, McNeil, Young, Voltaire
No: none**

**On a motion by D'Arcangelo, seconded by Young, that the objection filed by Mr. Donahue includes sufficient detail for each ground of protest. Motion carried by the following 5-0 vote:
Yes: D'Arcangelo, Desiderio, McNeil, Young, Voltaire
No: none**

Entered into evidence by the complainant was:

1. a certified copy of a Declaration of Homestead, signed by Dawn Macklin, for the premises at 5 Winsome Road, South Yarmouth, MA;
2. a certified copy of mortgage agreement between Dawn Macklin and Rocket Mortgage, LLC;
3. The Homestead Act Question and Answer booklet published by Secretary of State's Office.

Entered into evidence by the respondent was:

1. an apartment lease contract agreement between Dawn Macklin and USCMF Malden Square, LLC¹;
2. a printout from VRIS showing Dawn Macklin's voter history;
3. an email exchange between Dawn Macklin and staff of the City Clerk's Office.

Additionally, Dinah Fajardo was asked to read a section from page 11 of Residence for Voting Purposes booklet published by Secretary of State's Office.

Regarding the request to have Wallace Macklin obtain Ms. Macklin's nomination forms, Mr. Donahue indicated he had learned Ms. Macklin submitted an email request to the Clerk's Office but saw no such response to confirm what she was asking would be allowed. Ms. Macklin submitted email evidence showing Assistant City

¹ During the process of recording evidence while preparing meeting minutes and notice of decision, Clerk Desiderio came to realize the leases presented by Ms. Macklin on August 11 and August 16 did not appear to be the same document. A list of those discrepancies between the two documents will be attached to the meeting minutes of this administrative hearing as well as added as an addendum to this decision.

Clerk Morgan Hunte approved of issuing the nomination packet so long as Mr. Macklin came by the 5:00 deadline.

As an administrative request, Ms. Macklin then asked the Board to redact all information contained in the email chain that is out of the scope of the one particular paragraph regarding Mr. Macklin picking up nomination forms and the affirmative response to that request. Mr. Donahue had no objection to the request to redact the contents of the email.

On a motion by McNeil, seconded by Young, to approve the request of Ms. Macklin that all information from an email chain be redacted with the exception of single paragraph showing written authorization to distribute nomination packet to Wallace Macklin. Motion carried by the following 4-1 vote:

Yes: Desiderio, McNeil, Young, Voltaire

No: D'Arcangelo

Ms. Fajardo explained to the Board the procedure election staff follow when a candidate comes into the office to obtain nomination forms. She indicated that every candidate is confirmed through VRIS to confirm identity, address, and district in which they are seeking to run. She explained how the information was processed both times that Ms. Macklin changed her address between May and July. Ms. Fajardo testified that the City Clerk's Office has an elections handbook that candidates follow when running for local office. That handbook states nomination forms will be distributed to a candidates' representative upon written request. The book makes no mention to a requirement of wet signature or notary seal. It is the opinion of Ms. Fajardo that Ms. Macklin's email request, followed by telephone instruction, was authorization enough to distribute the nomination packet to Mr. Macklin.

On a motion by D'Arcangelo, seconded by Young, that the nomination packet was distributed according to proper procedures. Motion carried by the following 5-0 vote:

Yes: D'Arcangelo, Desiderio, McNeil, Young, Voltaire

No: none

Mr. Donahue presented certified copies from Barnstable County Registry of Deeds of Ms. Macklin's declaration of homestead and mortgage document signed under penalties of perjury that her principal residence is 5 Winsome Road, South Yarmouth, MA, as well as a question and answer booklet published by the Secretary of the Commonwealth, entitled The Homestead Act. Mr. Donahue pointed out that in addition to claiming the South Yarmouth house in the homestead, which entitles Ms. Macklin to a number of legal protections on that house, she also has a signed mortgage contract that requires her to live in the South Yarmouth home as her primary residence for a minimum of a one year period.

Mr. Donahue stated in Massachusetts a person is required to vote from the address that is their primary residence. The responsibility of registering to vote at the proper residence is that of the voter. A person cannot claim one location as their primary residence for the purpose of legally binding documents to obtain a mortgage and then claim a different primary residence for the purpose of voting. Mr. Donahue claimed, "Its either mortgage fraud or voter fraud. It's one of the two, or both."

Ms. Macklin drew the attention of the Board to the clause in her mortgage that allows for a waiver on the 12-month live-in period in cases of extenuating circumstances or undue hardship. Ms. Macklin claimed the extenuating circumstances involve her husband's chronic health issues that require him to live in the Greater Boston area because his medical team is in this area. Pursuant to the clause in Ms. Macklin's mortgage

agreement, Ms. Macklin stated there is a waiver on file with the lender. Ms. Macklin testified to this under oath but refused to provide a copy of the waiver in these proceedings.

Ms. Macklin testified that since 2015 she has only ever been registered to vote, or has voted, in Malden. Her cars are garaged and insured in Malden. She serves with Merry Malden and the city's Human Rights and Fair Housing Board, her notary commission is under her Malden address. Ms. Macklin stated she and her husband use the South Yarmouth residence on weekends but live in Malden during the workweek. With the exception of her voting history and lease, Ms. Macklin offered no documentary evidence.

The case that Mr. Donahue references in his objection, *Lay v. City of Lowell*, states that a body cannot consider only one particular document but rather must look at the totality of the circumstances of one's civic life.

Mr. Donahue argued the letter of the law must stand and a person may only claim one principal residence. The South Yarmouth house is either a vacation home or her primary residence; it cannot be both.

On a motion by Young, seconded by Voltaire, that Dawn Macklin resides in Ward 4, Malden. Motion carried by the following 5-0 vote:

Yes: D'Arcangelo, Desiderio, McNeil, Young, Voltaire

No: none

On a motion by Young, seconded by Voltaire, that Dawn Macklin resides at 480 Main Street, Apt. 429, Malden. Motion carried by the following 5-0 vote:

Yes: D'Arcangelo, Desiderio, McNeil, Young, Voltaire

No: none

Clerk Desiderio asked Solicitor McNeil to explain if there is a difference between residency and domicile, legally speaking. Solicitor McNeil referenced *Lay v. City of Lowell* stating she was unaware of this case until it came to her attention via a citation in Mr. Donahue's written objection.

In *Lay*, the court ruled that residency and domicile may be dependent on the circumstances of the case and that several elements may be taken into consideration. Those being, where the person lives continually, what is the intent of the person for their location, where a person is registered to vote, whether the individual has held elected office, driver's license, car registration, employment, bank account, address on tax filings, social life, amount of time spent in a particular community, religious, social and political affiliation to that community. In the *Lay* case, there also was a homestead document but the court ruled where a person resides versus where a person is domiciled can differ based on the circumstances. The court ruled in favor of the plaintiff, stating that taking all elements into consideration, *Lay* resided in Lowell even though he owned a home in Brighton that held a homestead declaration.

Registrar D'Arcangelo, being concerned about the timeline of when Ms. Macklin made housing moves, asked if she can produce any documentation that indicates her residence in Ward 4. Ms. Macklin testified she left work on Monday, August 11 to bring a copy of her apartment lease for 480 Main Street to the City Clerk's Office for review by the Clerk and Solicitor. Clerk Desiderio, with Ms. Macklin's permission made a copy of that lease and redacted personal information according to Ms. Macklin's wishes, doing so in the presence of Ms. Macklin.

During this administrative hearing, Ms. Macklin entered into evidence a copy of a lease, this time with redactions done by herself².

Clerk Desiderio expressed concern that the dialogue during this preceding may be conflating two different areas of law. Laws involved around mortgage lending will differ from election law and is beyond the purview of this Board. Ms. Macklin may very well be in violation of mortgage fraud but that is not for this Body to determine. Based on the Board's knowledge of election law and guidance handed down from the Secretary of State's Office, we know election officials must look at the voter's intent regarding where they call 'home'. Clerk Desiderio then asked Ms. Fajardo to read Part-Time Residents from page 11 of Residence for Voting Purposes. This booklet, published by the Secretary of State's Office, is attached to the meeting minutes of this administrative hearing.

Mr. Donahue countered saying mortgage law may differ state to state but homestead protection, like election law, is under the Secretary of State. Solicitor McNeil did not dispute that point but further added when deciding the case before the Board today, the case law cited by Mr. Donahue in his written objection must be considered. *Lay v. City of Lowell* was decided in 2022 and to date has not been overturned. The appeals court ruled the concept of residence for the purpose of voting equates to the center of the person's domestic, social, and civic life.

On a motion by Young, seconded by Voltaire, that Dawn Macklin resides within the City of Malden for purposes of election law. Motion carried by the following 5-0 vote:

Yes: D'Arcangelo, Desiderio, McNeil, Young, Voltaire

No: none

On a motion by Young, seconded by Voltaire, to dismiss the case allowing Dawn Macklin to remain on the ballot. Motion carried by the following 4-1 vote:

Yes: Desiderio, McNeil, Young, Voltaire

No: D'Arcangelo

CONCLUSION:

Having considered the evidence and testimony presented and the arguments of both the complainant and respondent, and having rendered decisions in each of the objections and requests for review, the Board found the following:

1. That proper procedures for obtaining nomination papers were followed in allowing Wallace Macklin to pick up the respondent's candidate packet;
2. That the respondent resides in the Ward 4 neighborhood of the City of Malden;
3. That the respondent resides in the City of Malden for purposes of election law.

Based on these findings of fact, the Board has made the decision to deny the objection on its merits and to order that the name of Dawn Macklin be printed on official ballots to be used at the municipal preliminary.

On a motion by Young, seconded by Voltaire, that this meeting is to be adjourned. Motion carried by the following 5-0 vote:

² See footnote on the bottom of page 3.

Yes: D'Arcangelo, Desiderio, McNeil, Young, Voltaire

No: none

Meeting adjourned at 10:49 AM.

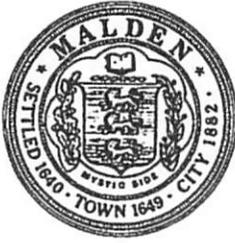
MALDEN, MA

AUGUST 27, 2025

FOR THE BOARD:

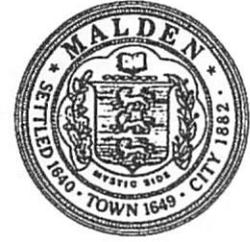
A handwritten signature in black ink, appearing to read "Carol Ann Desiderio". The signature is written in a cursive style with a large initial 'C'.

CAROL ANN T. DESIDERIO, CITY CLERK



City of Malden

Massachusetts



Carol Ann T. Desiderio, City Clerk
cdesiderio@cityofmalden.org

City Clerk's Office
215 Pleasant Streets, Room 220
Malden, Massachusetts 02148

Phone 781-397-7116
cityofmalden.org

August 21, 2025

To Board of Registrars of Voters:

I am currently reviewing the documents submitted into evidence during the administrative hearing on Saturday for the purpose of producing the written determination and finalizing the meeting minutes.

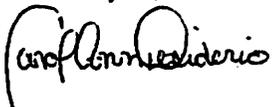
In doing so, it has come to my attention that the apartment lease contract Ms. Macklin offered into evidence during the hearing on Saturday, August 16 was not the same document she produced on Monday, August 11 for the City Clerk and Solicitor's review. There were a number of discrepancies between the two lease contracts, as are listed below.

1. Page 1, clause 2: The lease presented on Saturday appears to have a list of eleven occupants, names redacted, whereas clause 2 of the first lease presented on Monday is blank.
2. Page 2, clauses 8 & 9: The wording is different indicating the two leases have different pages.
3. Page 2, clause 10: The lease presented on Saturday indicates 'See Additional Special Provisions', this clause was blank on the first lease presented on Monday.
4. Page 2, clause 14: The lease presented on Monday is a complete sentence, whereas the lease presented on Saturday, the sentence is incomplete.
5. Page 3: The wording and numbering of clauses indicate the two leases have different pages. Example: the section entitled Crime or Emergency falls on page 3 in one document and on page 4 in the other document.
6. Page 4, clauses 22 & 23: The wording is different, indicating the two leases have different pages.
7. Page 5, clauses 29, 31, 34, and 35: The wording is different indicating the two leases have different pages.
8. Page 6, clauses 37 & 44: The wording is different, indicating the two leases have different pages.
9. Page 7: The lease presented on Monday is dated 07/24/2025 whereas the lease presented on Saturday was dated 11/14/2023.
10. Page 7: The lease presented on Monday has a digital signature whereas the lease presented on Saturday contains a wet signature.
11. Page 7: The lease presented on Monday indicates the owner's representative may be contacted at 480 Main Street Malden, MA 02148 whereas the lease presented on Saturday has the address of 190 Pleasant St. Malden, MA 02148.

12. Page 7: The lease presented on Monday indicates the owner's representative may be contacted at (855) 220-0845 whereas the lease presented on Saturday has the telephone number as (781) 851-8449.
13. Page 7: The lease presented on Monday has no "special provisions" listed whereas the lease presented on Saturday includes "special provisions".
14. Page 7: The lease presented on Saturday has an additional section for Name and address of locator service (if applicable). The lease presented on Monday has no such section
15. Finally, the lease presented on Monday appeared to be a freshly printed, new document. The lease presented on Saturday appears to be a worn or handled document with two holes punched on top, 6 holes punched on six pages and 3 holes punched on one page.

This correspondence is to inform the Board that the lease referenced at the hearing that was delivered to the Clerk's office on Monday, August 11, 2025 was not the same lease that Ms. Macklin admitted into evidence at the hearing on Saturday. Because of all the discrepancies listed above, it is important that the record is clear; neither I nor Solicitor McNeil ever saw the lease that was admitted into evidence until the close of the hearing. These discrepancies in leases will be reflected in the meeting minutes as well as the written determination of the Board.

Thank you,



**Carol Ann Desiderio,
City Clerk
Registrar of Voters**